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ADOPTED 7/26/90

Text Amendment Application No. 169
Richard F. Duggan
Check cashing business

TO THE ZONING COMMISSION OF THE CITY OF BOSTON:

The undersigned as owner of property at 5 SHELDON STREET
ROSLINDALE hereby petition for a change in the text of
the Boston Zoning Code as established by Chapter 665 of the Acts of 1956, as
amended, as follows:

1. By inserting, between clause (3B) and clause (3C) of Section 2-1, respecting the meaning of "Artists' mixed-use" and "Bank, drive-in" respectively, the following clause:

(3C.1) "Bank", a banking business as defined in section one of chapter one hundred and sixty-seven of the Massachusetts General Laws, a national banking association, a federally chartered credit union, a federal savings and loan association, or a federal savings bank.

2. By deleting, in said clause (3C) of Section 2-1, the number "(3C)" and inserting in place thereof the following number:

(3C.2)

3. By inserting, between clause (8) and clause (9) of Section 2-1, respecting the meaning of "Building Commissioner" and "City" respectively, the following clause:

(8A) "Check cashing business", a retail/service business, either stationary or mobile, which cashes checks, drafts, or money orders as its primary business and is not accessory to a general or local retail use.

4. By inserting, in Table A of Section 8-7, after Use Item No. 41, the following use item:

	District							W	MER
	S	R	H	L	B	M	I		
41A Check cashing business...	F	F	F	C	C	C	C	C	C

From Section 5-4 of Boston Zoning Code as amended April 22, 1985: "The estimated average cost to the City of a hearing on a proposed amendment of this code is hereby established as two hundred and twenty-five dollars."

Petitioner:

Richard F Duggan

Address:

RICHARD F DUGGAN
5 SHELDON STREET

Tel. No.:

ROSLINDALE, MA. 02131

325-4170

Date:

Filed May 22, 1990

MEMORANDUM

July 26, 1990

TO: Boston Redevelopment Authority and
Stephen Coyle, Director

FROM: Linda Bourque, Assistant Director, Neighborhood
Planning and Zoning
Gerry Kavanaugh, Director of Institutional Planning
Vince McCarthy, Planning Assistant

SUBJECT: Text Amendment No. 169/Check Cashing Businesses

EXECUTIVE

SUMMARY:

Mr. Richard F. Duggan, owner of the property located at 5 Sheldon Street, has petitioned the Zoning Commission of the City of Boston for an amendment to the text of the Boston Zoning Code which would: (1) insert in Section 2-1 of the Code a definition of "Bank," as defined in Section 1 of MGL Chapter 167; (2) insert in Section 2-1 of the Code a definition of "Check cashing business" distinct and separate from that of "Bank"; and (3) insert in Table A of Section 8-7, "Use Item 41A Check Cashing Business," which would be a Forbidden Use in S, R, and H Districts and a Conditional Use in L, B, M, I, W, and MER Districts. BRA Staff recommends approval of this Text Amendment application.

Mr. Richard F. Duggan, as owner of the property at 5 Sheldon Street, has petitioned the Zoning Commission of the City of Boston for a change in the text of the Boston Zoning Code. A copy of Text Amendment Application No. 169 is attached herewith as Exhibit A.

The goal of the Proposed Amendment is to establish zoning regulations governing Check Cashing Businesses. The amendment defines "Check Cashing Business" as a distinct and separate use from that of other financial service providers, specifically Banks. To do so, the following clause would be inserted between clause (8) and clause (9) of Section 2-1:

(8A) "check cashing business", a retail/service business, either stationary or mobile, which cashes checks, drafts, or money orders as its primary business and is not accessory to a general or local retail use.

The amendment further clarifies the distinction between "Check Cashing Business" and "Bank" by including, as an addition to the Code, a definition of "Bank," which corresponds to that contained in Section 1 of Chapter 167 of the Massachusetts General Laws. The definition would be inserted between clauses (3B) and (3C), as follows:

(3C.1) "Bank", a banking business as defined in section one of chapter one hundred and sixty seven of the Massachusetts General Laws, a national banking association, a federally chartered credit union, a federal savings and loan association, or a federal savings bank.

Regarding allowable uses, "Check Cashing Business" would be inserted, in Table A of Section 8-7 of the Code, after Use Item No. 41, as Use Item 41A. Said use would be Forbidden in Residential Districts (S, R and H), and Conditional in all other Districts (L, B, M, I, W, and MER).

The need for regulations governing check cashing businesses has become evident in the past several years, as approximately fourteen such facilities have been opened in Boston's neighborhood business districts. There is growing concern on a local and national level about the secondary effects of otherwise legitimate businesses, and the impacts which such activities could have within the city's business areas and adjacent residential neighborhoods. Check cashing facilities can be outlets for illegitimate money exchanging activities, and in certain instances are associated with drug money.

In many of Boston's neighborhoods, particularly lower-income communities, check cashing businesses are often the sole provider of basic financial services because of the absence of local banks and their services. As a result, residents depend upon these check cashing facilities to cash checks and purchase money orders.

BRA staff believes that the Amendment is an appropriate manner in which to regulate check cashing businesses. The proposed Amendment provides for a review of proposed check cashing businesses in non-residential neighborhoods. This will allow for an assessment of the impacts of the proposed use and the need for such a use in a particular locality. BRA staff therefore recommends approval.

An appropriate vote follows:

VOTED: That the Director of the Boston Redevelopment Authority is authorized to petition the Zoning Commission of the City of Boston to adopt Text Amendment Application No. 169 by Richard F. Duggan, as owner of property at 5 Sheldon Street, Roslindale, in substantial accord with the petition submitted at the Boston Redevelopment

Authority meeting of July 26, 1990. The Authority recognizes the importance of addressing potential secondary effects of check cashing businesses within Boston's neighborhoods.